

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NATHANIEL STILL,

Plaintiff,

v.

THE LION BREWERY, INC.,

Defendant.

:
:
:
:
:
:
:
:
:
:

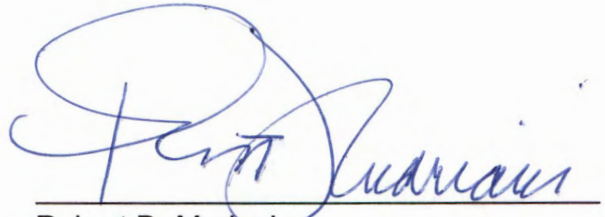
3:14-CV-374
(JUDGE MARIANI)

ORDER

AND NOW, THIS 16th DAY OF SEPTEMBER, 2020, upon *de novo* review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 57), **IT IS HEREBY ORDERED THAT** the R&R (Doc. 57) is **ADOPTED AS MODIFIED:**

1. Magistrate Judge Carlson's recommendation, and reasoning in support thereof, that Plaintiff is not entitled to the appointment of an attorney at this time is **ADOPTED.**
2. Magistrate Judge Carlson's recommendation that the Complaint be dismissed "without prejudice to renewal if the plaintiff complies with the court's orders and either immediately retains counsel himself or states unequivocally that he intends to prosecute this case *pro se*" (Doc. 57, at 18-19) is **ADOPTED.**
3. However, Plaintiff having now unequivocally stated, in response to the R&R, that he will represent himself (Doc. 58), the Complaint is not dismissed and this action will proceed.

4. Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. 51) is **DENIED WITHOUT PREJUDICE**. Should Plaintiff continue to engage in dilatory actions or fail to prosecute this action in a timely manner, Defendant may again move to have this action dismissed for failure to prosecute and failure to comply with the Court's orders.
5. The above-captioned action is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge